

REMARKS

The Office Action mailed May 27, 2008, and made final, and further in response to the Advisory Action dated September 3, 2008, has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 3-7 and 9-21 are now pending in this application. Claims 1, 4, 5, 7, 9 and 21 stand rejected. Claims 3, 6 and 10-20 have been withdrawn by the Examiner from further consideration. Claims 2 and 8 have been canceled.

The rejection of Claims 1, 4, 5, 7, 9 and 21 under 35 U.S.C. § 112, second paragraph, is respectfully traversed. Applicants respectfully traverse the assertion that “the ‘retaining slot’ is not necessarily an element of structure, but rather a byproduct of the lip and flange structures than when spaced apart forms a void between the structures that constitutes the slot. A void is not deemed to constitute a ‘formation that downwardly depends from a lower edge’ in this situation, but rather a lip spaced from a flange forming a slot therebetween with ribs extending into the slot...”

Claims 1 and 7 have been amended to address the noted indefiniteness issue and each distinctly claim the subject matter as is clearly defined in the specification. Accordingly, Applicants respectfully submit that Claims 1 and 7 each satisfy the requirements of Section 112.

Claims 4, 5 and 21 depend from independent Claim 1. When the recitations of dependent Claims 4, 5 and 21 are considered in combination with the recitations of independent Claim 1, Applicants submit that dependent Claims 4, 5 and 21 likewise satisfy the requirements of Section 112.

Claim 9 depends from independent Claim 7. When the recitations of Claim 9 are considered in combination with the recitations of independent Claim 7, Applicants submit that dependent Claim 9 likewise satisfies the requirements of Section 112.

For at least the reasons set forth above, Applicants respectfully request that the Section 112 rejection of Claims 1, 4, 5, 7, 9 and 21 be withdrawn.

The rejection of Claims 1, 4, 5, 7, 9 and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,478,465 to Sulcek (hereinafter referred to as “Sulcek”) in view of U.S. Patent No. 5,625,969 to Vogler (hereinafter referred to as “Vogler”) is respectfully traversed.

Sulcek describes a refuse packing apparatus that includes a hollow closure having a handle along an upper edge and a literature storage means within the closure. A downwardly sloping slot is formed in the handle such that the literature can be inserted into a pocket formed within the closure. The closure comprises a drawer door (10) provided with literature material storage means (11). Door (10) is associated with a refuse compactor (12) having a housing (13) defining a front access opening (14) which is selectively closed by door (10). Door (10) includes a hollow door having the top portion thereof closed by a handle (18) for moving the drawer between the compacting and access positions relative to the housing (13). The handle (10) includes a grasping portion (19) and a lower mounting portion (20) including a generally horizontally extending base portion (21) and a downwardly extending rear flange (22). Handle lower mounting portion (20) further defines a pair of spaced, downturned front flanges (30 and 31) defining a channel (32) for receiving the upper ends of a front panel (26) and one or more additional panels (33) which may be selectively substituted for front panel (26). A panel (34) is slid downwardly into a front channel (39) of the side frame members rearwardly of front panel (26) and additional panels (33) prior to the installation of handle (18) on the top of door (10). Notably, Sulcek does not describe or suggest an escutcheon for an appliance that includes a plurality of formations that each includes a plurality of positioning ribs and a flange and a lip in combination defining a retaining slot, wherein the plurality of formations are configured to receive an appliance door panel such that the appliance door panel and a lower edge of the escutcheon form a substantially flush surface. Moreover, Sulcek does not describe nor suggest incorporating positioning ribs that extend into the retaining slot.

Vogler describes a placard display stand. A display frame (F') consists of an elongated substantially rigid supporting base (B) and a cooperating pair of substantially planar, generally resilient, transparent plates (P1 and P2) that are seated along lower margins within base (B) and held in position with the desired advertising or promotional material pressed therebetween. Base (B) includes a bottom wall (10), side walls (12 and 12'), an interior partition wall (14) located between side walls (12 and 12') and that divides an interior

space bounded by the side and bottom walls into two upwardly opening channels (C and C') each of which receives a lower margin (M and M') along one side of a plate (P and P'). At least one longitudinal bead (R) of a rubbery or elastomeric material is included to insure a tight, secure engagement of the lower margins of the transparent plates within the channels of the base. Notably, Vogler does not describe or suggest an escutcheon for an appliance that includes a plurality of formations that each includes a plurality of positioning ribs and a flange and a lip in combination defining a retaining slot, wherein the plurality of formations are configured to receive an appliance door panel such that the appliance door panel and a lower edge of the escutcheon form a substantially flush surface. Moreover, Vogler does not describe nor suggest a plurality of positioning ribs extending into the retaining slot and configured to engage the appliance door panel, wherein the plurality of positioning ribs include a reinforcing section configured to prevent flexing of the plurality of positioning ribs.

Claim 1 recites an escutcheon for an appliance door assembly including “a plurality of formations downwardly depending from said lower edge, said plurality of formations comprising; a flange and a lip in combination defining a retaining slot configured to receive an appliance door panel such that said appliance door panel and said lower edge form a substantially flush surface, and a plurality of positioning ribs extending into said retaining slot and configured to engage the appliance door panel, said plurality of positioning ribs comprising a reinforcing section configured to prevent flexing of said plurality of positioning ribs.”

Neither Sulcek nor Vogler, considered alone or in combination, describes or suggests an escutcheon as recited in Claim 1. More specifically, neither Sulcek nor Vogler, considered alone or in combination, describes or suggests an escutcheon for an appliance that includes a plurality of formations that each includes a plurality of positioning ribs and a flange and a lip in combination defining a retaining slot, wherein the plurality of formations are configured to receive an appliance door panel such that the appliance door panel and a lower edge of the escutcheon form a substantially flush surface. Rather, in contrast to the present invention, Sulcek describes a hollow closure that includes a handle that forms a downwardly sloping slot for storing literature, and Vogler is merely recited for describing a display stand for placards that includes two side walls for use in securing a placard in place.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Sulcek in view of Vogler.

Claims 4, 5 and 21 depend, directly or indirectly, from independent Claim 1. When the recitations of dependent Claims 4, 5 and 21 are considered in combination with the recitations of independent Claim 1, Applicants submit that dependent Claims 4, 5 and 21 likewise are patentable over Sulcek in view of Vogler.

Claim 7 recites an escutcheon for a dishwasher door assembly. The escutcheon includes “a flange and a lip in combination defining a retaining slot configured to receive an appliance door panel such that said appliance door panel and said lower edge form a substantially flush surface, and a plurality of positioning ribs extending into said retaining slot and configured to engage the upper edge of the appliance door panel, said plurality of positioning ribs comprising a reinforcing section configured to prevent flexing of said plurality of positioning ribs.”

Neither Sulcek nor Vogler, considered alone or in combination, describes or suggests an escutcheon as recited in Claim 7. More specifically, neither Sulcek nor Vogler, considered alone or in combination, describes or suggests an escutcheon for a dishwasher door assembly that includes a plurality of formations that each includes a plurality of positioning ribs and a flange and a lip in combination defining a retaining slot, wherein the plurality of formations are configured to receive an appliance door panel such that the appliance door panel and a lower edge of the escutcheon form a substantially flush surface. Rather, in contrast to the present invention, Sulcek describes a hollow closure that includes a handle that forms a downwardly sloping slot for storing literature, and Vogler is merely recited for describing a display stand for placards that includes two side walls for use in securing a placard in place.

Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Sulcek in view of Vogler.

Claim 9 depends directly from independent Claim 7. When the recitations of Claim 9 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claim 9 likewise is patentable over Sulcek in view of Vogler.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1, 4, 5, 7, 9 and 21 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Eric T. Krischke", written over a horizontal line.

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